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**Committee on the Elimination of Racial Discrimination**
**Ninety-fourth session**

**Summary record of the 2593rd meeting**
Held at the Palais Wilson, Geneva, on Friday, 24 November 2017, at 10 a.m.

*Chair:* Ms. Crickley

## Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Combined eighteenth to twentieth periodic reports of Jordan (continued)*

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (*continued*)

*Combined eighteenth to twentieth periodic reports of Jordan* (*continued*) (CERD/C/JOR/18-20, CERD/C/JOR/Q/18-20)

1. *At the invitation of the Chair, the delegation of Jordan took places at the Committee table.*

2. **Mr. Al Tawalbeh** (Jordan) said that a third of the activities set out in the national human rights plan 2016-2025 had been implemented, including practical and legislative measures and training initiatives. For example, the Criminal Code, Criminal Procedure Code and Civil Procedure Code had all been amended in an effort to ensure that the human rights of all persons were upheld.

3. The Government Human Rights Coordinator, a new high-level position in the Council of Ministers, was tasked with coordinating the human-rights initiatives of both government bodies and non-governmental organizations (NGOs). The role entailed the organization of seminars, meetings, and debates on human rights related issues and the submission of recommendations to government bodies. Training programmes were in place for public authorities to ensure the proper implementation of the law to protect human rights. A working group composed of liaison officers from all public institutions had been established to monitor the implementation of human rights procedures and study the recommendations of the National Centre for Human Rights. The working group submitted a quarterly report to the Government containing its recommendations.

4. The Constitution had legal supremacy over the Convention, which had been ratified through and was on equal footing with national legislation. The Government had not identified any contradictions between the Constitution and the international Conventions to which Jordan was party.

5. **Ms. Attieh** (Jordan) said that the Ministry of Labour had issued guidelines on the improvement of the conditions of female domestic workers. The Ministry monitored employers, investigated cases of abuse and could shut down any enterprise that did not follow the guidelines or was otherwise found to violate female domestic workers' human rights. Employers were obliged to allow women to refuse work if they so wished. Enterprises' implementation of the guidelines was graded on a scale of A to D. Shelters had been set up for female domestic workers seeking refuge from their employers. Daily working hours had been reduced from 10 to 8. Currently, employers could dictate where female domestic workers were allowed to go if they wished to leave their place of employment. The Government, however, conducted investigations into any such abuses. Women could lodge complaints with the Ministry of Labour using a multilingual helpline for issues such as delays in the payment of their salaries, refusal to renew their work permits or the confiscation of their passports. An interministerial committee on foreign workers had also been established to review complaints, many of which concerned female domestic workers' freedom to return home. The Ministry of Labour also worked with the embassies of female domestic workers' countries of origin to ensure that they were not forced to complete contracts and remain in Jordan against their will. To that day, nine enterprises had been shut down and others had been forced to suspend their activities. Furthermore, the Ministry had launched a campaign in conjunction with the Public Security Directorate to monitor the employment of clandestine workers. Pay for female domestic workers was regulated through bilateral agreements between Jordan and the workers' countries of origin and employers were obliged to provide the workers accommodation and meals. The Arabic term "*kafil*" (meaning sponsor or foster parent) was not generally used.

6. The Public Security Directorate investigated cases of human trafficking and organized seminars on ways of preventing it. Campaigns to raise awareness of the issue had been launched, including through television broadcasts and brochures circulated to border posts and recruitment agencies specializing in foreign labour. By September 2017, more than 100 inspections had been conducted at border posts. The General Federation of

Jordanian Women took in women who were victims of human trafficking. The preparation of a national action plan to eliminate human trafficking was in its final stages.

7. Jordanian legalisation specified that child labour was permitted in a small number of professions. Child labour among Syrian refugees had prevented the Government from proclaiming Jordan free of child labour in 2015. There were 76,000 child labourers in the country, 11,000 of whom were Syrian. The number of inspections of establishments that employed children had increased and no child could be employed without prior consent. Projects had been organized in collaboration with the Jordanian Hashemite Fund for Human Development and a number of seminars and training courses had been conducted with a view to putting an end to child labour.

8. **Mr. Sleiman Al Habahbeh** (Jordan) said that the Ministry of Labour and the Public Security Directorate were finalizing a set of laws and a national strategy to combat human trafficking. Jordan was cooperating with neighbouring countries and the international community to collect data on cases of human trafficking. A specialized unit had been established within the Public Security Directorate to receive complaints, investigate cases and prosecute perpetrators. The Government had launched media campaigns to raise awareness among the public of the dangers of human trafficking and had organized workshops and seminars for public officials. A booklet on human trafficking had been prepared in collaboration with the National Centre for Human Rights and sent out to all bodies and organizations whose work pertained to migration. International cooperation was one of the pillars of the national strategy to combat human trafficking. Jordan worked in collaboration with NGOs, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC), the International Labour Organization (ILO) and other international and national organizations. The Government sought to identify victims of human trafficking so as to provide them with the support that they needed, including free legal assistance. A confidential complaints helpline and a shelter for victims of trafficking had also been set up. Training was provided for law enforcement officials on how to interview victims of human smuggling and how to differentiate between smuggling and illegal migration. Article 2 of the Constitution specified that minors could not be arrested without a court order.

9. Many women were employed in the national police force and the military, particularly in their medical departments as doctors and nurses. The headquarters of the armed forced had a department of women's affairs. The Princess Basma Training Institute for Policewomen of the Directorate of Public Security trained female police officers, who occupied 7 per cent of all police positions and worked in a variety of departments, including airport security, customs offices and traffic control. Many held leadership roles. Jordan had deployed a number of women in peacekeeping operations around the world.

10. **Mr. Al Raqued** (Jordan) said that, as at 2017, there were more than 2 million refugees living in Jordan, 450,000 of whom lived in 13 camps located throughout the country. The vast majority possessed Jordanian identity documents and enjoyed the same rights as Jordanian citizens, compatible with their rights as refugees. Education and health-care services in the refugee camps were provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). However, owing to limited resources, the Agency was only able to deal with urgent or complex cases and the services provided were not able to meet the real needs on the ground. The State, therefore, was obliged to shoulder part of the financial burden, amounting to approximately JD 1.6 million in 2016. The Department of Palestinian Affairs was, together with the Agency, responsible for the management of refugee camps, including their infrastructure and health care, sanitation and water services, as well as all installations and facilities in the camps. The Government, in coordination with the Department of Palestinian Affairs, had established committees to work on improving conditions in the refugee camps.

11. On the issue of temporary passports, he noted that refugees with Jordanian identification documents enjoyed the same rights as Jordanian citizens. Refugees without such documents were issued with temporary passports to facilitate travel to neighbouring countries.

12. Under the provisions of the Constitution, all persons enjoyed equal access to the justice system. Domestic workers who required compensation for unpaid salaries could lodge a complaint with the national courts. Complaints relating to violence were first filed with the police and subsequently transmitted to the Prosecutor's Office. Measures were taken to ensure that perpetrators were prosecuted and victims enjoyed access to legal aid and interpretation services.

13. Measures to combat racism at institutional level had included training courses organized by the Ministry of Justice and the Judicial Institute of Jordan for law enforcement officials and the judicial police. Subjects covered had included domestic criminal legislation, human rights, the empowerment of women, the role of judges in ensuring the right to a fair trial and legal responsibility.

14. Women who held posts in the judiciary had the same rights and duties as men. There were 182 women judges in Jordan and the military tribunal employed 1 woman prosecutor. Women judges were appointed on the basis of a competitive examination organized by the Ministry of Justice.

15. Services in Jerash refugee camp were provided by UNRWA. Owing to budgetary constraints faced by the Agency, the Government provided certain services, including temporary passports and health care to refugees from Gaza. Refugees living in the camp were permitted to work in the private sector and there were provisions for access to education, including the university system. The Government was monitoring the situation in the camp and efforts had been made to improve conditions, in cooperation with the Department of Palestinian Affairs. For example, a sanitation system and a drinking water supply system had been installed, funded by the Swiss Government, while infrastructural work had begun, financed by the German Government. Vocational training was provided to inhabitants of the camp through UNRWA, and the camp had its own management structure.

16. Water shortages were a problem throughout the country, owing in part to the large number of refugees on Jordanian territory. In the case of Jerash refugee camp, the Government was taking steps to monitor the situation and to ensure that water was available four days per week. UNRWA also worked to restore dilapidated buildings and improve living conditions in the camp. Refugees in Jerash camp did not possess national identifications numbers, as they had left Gaza during a period when the area had been under Egyptian administration. Other measures to support refugees in Jerash camp included development projects and work opportunities in the tourist industry.

17. **Ms. Majali** (Jordan) said that the Government respected the rights recognized in the Convention of all individuals within its territory and subject to its jurisdiction. However, it bore no such responsibility for persons outside its territorial jurisdiction, including Palestinians and Syrians under the jurisdiction of the Syrian Arab Republic. Nevertheless, her Government maintained that Palestinian refugees had the right to return to Palestine. In that context, she referred to the obligations of the State of Israel as an occupying power and under human rights law.

18. The return of Syrian nationals to their home country took place either on a voluntary basis or if there were reasonable grounds to consider their presence a threat to the security of the State. Each case was assessed on its merits and all necessary measures were taken to avoid returning non-nationals to unsafe or unstable areas. The State had the right and obligation to control its borders and security, while respecting the legitimate rights of foreign nationals under international law. Asylum seekers under the State's territorial jurisdiction enjoyed the protection of domestic and international law, in line with the memorandum of understanding signed with the Office of the United Nations High Commissioner for Refugees (UNHCR). All persons on Jordanian territory enjoyed the protection of the law and the only distinctions made between citizens and aliens were those permissible under international law.

19. Although the State had exceeded its capacity to receive refugees, it would continue to provide humanitarian assistance insofar as such action posed no threat to its interests and security. In the case of refugees in Al-Rukban camp, those were Syrian citizens on Syrian soil and they were the responsibility of the Government of the Syrian Arab Republic. Nevertheless, her Government was prepared to cooperate with partners and the

international community to deliver aid to the camp. However, the Government of Jordan rejected any solution that would make the situation in Al-Rukban its responsibility.

20. Noting that developing countries had the right to determine the extent of rights granted to non-citizens, without any distinctions or restrictions amounting to discrimination, she indicated that the State would nevertheless continue to provide, in line with available resources, protection and services to Syrian citizens, pending their return home in safety and dignity. However, in order to do so, it required the support of the international community.

21. The Government had developed a number of comprehensive response plans to address the crisis in the Syrian Arab Republic and its impact on Syrian and Jordanian nationals. The response plan for the period 2017-2019 focused on meeting the needs of Syrian refugees and ensuring access to education for Syrian children. In order to address the significant increase in refugee children enrolled in public schools and the resulting shortage of trained teachers, the Ministry of Education had recruited additional teaching staff and introduced double-shift schedules to tackle school overcrowding. To support the thousands of children outside the formal education system, a non-formal catch-up programme for children aged 9-12 had been introduced; remedial education was provided and measures implemented to foster the enrolment of children in formal education. Teachers were given training on the new curriculum and in other areas such as service and leadership.

22. The influx of refugees had also placed a strain on the national health system. Owing to funding constraints, free health care could no longer be provided to Syrian refugees, who, since November 2014, had to pay the same rate as uninsured Jordanian citizens. In order to handle the additional influx, investments had been made in health-care facilities and equipment. The 2016 response plan sought to ensure targeted care for refugees from the moment of their arrival in Jordan, including measures to respond to their immediate health needs and ensure subsequent access to comprehensive primary and essential secondary and tertiary health services, including mental health care, reproductive, nutritional and rehabilitation services, as well as vaccination programmes and services for victims of rape.

23. On the issue of violence against women, she stressed that Syrian women could access services, including those aimed at victims of gender-based violence, on an equal footing with Jordanian women. Family protection units had been established in all refugee camps to provided support to survivors of sexual violence, regardless of their nationality. Moreover, in order to address the increase in violence against women in the north of the country, which had experienced an influx of refugees, a new shelter had been opened in 2016. Social protection projects had been implemented, in order to provide vulnerable groups with social and legal protection. Given the fact that just over half of the refugee population were women, gender equality featured as a cross-cutting issue in the Government's 2017-2019 response plan. The United Nations Entity for Gender Equality and the Empowerment of Women was working in close partnership with the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF), as well as a number of ministries and partner non-governmental organizations in Jordan, to implement a joint project on promoting women and girls' health and well-being, providing survivors of gender-based violence with safe and confidential access to psychosocial support, legal aid and case management, using a community-based approach.

24. Health-care services aimed specifically at women and girl refugees included reproductive health services and consultations on sexually transmitted diseases, as well as interventions to assist refugees in Azraq camp on issues relating to reproductive health and sexual and gender-based violence. The Government also implemented measures to reduce and mitigate the risks and impact of sexual and gender-based violence, in line with a survivor-centred approach and principles relating to age, gender and diversity. Adults and children benefited from protection and psychosocial support programmes and safe spaces had been created to provide assistance in a secure and accessible environment. Moreover, the Ministry of Justice had established a legal aid department to facilitate the provision of legal aid services. In a similar vein, in 2015, partner organizations had provided legal information, counselling or representation services to Syrian refugees and Jordanian citizens in both camp and non-camp settings. Although a great deal had been achieved, international support and assistance was required to build on those achievements.

*The meeting was suspended at 11.26 a.m. and resumed at 11.45 a.m.*

25. **Mr. Avtonomov** (Country Rapporteur) said that the reason the Committee was interested in the situation of domestic workers was that they were mostly foreign women and represented a group particularly vulnerable to trafficking and exploitation.

26. He encouraged the State party to ratify the amendment to article 8 of the Convention, relating to funding, and to consider making the declaration under article 14 of the Convention recognizing the competence of the Committee to receive individual communications. Moreover, he would like the delegation to provide information on any steps taken or events organized as part of the International Decade for People of African Descent. In that regard, he encouraged the State party to use the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent in the preparation of its forthcoming periodic report.

27. **Ms. Mohamed** said that it would be useful to know what measures were taken to ensure the enforcement of the provisions of article 77 (b) of the Labour Code, which prohibited coercive practices. She would be interested to know how compliance was monitored. In cases of violations, what measures existed to protect victims, uphold their rights and ensure that perpetrators were brought to justice? Although it appeared that, under the provisions of article 98 of the Labour Code, migrant workers did not have the right to form trade unions, it would be helpful to know whether they were permitted to join existing trade unions or associations. She would also appreciate statistical data on the number of complaints lodged relating to racial discrimination.

28. **Ms. Attieh** (Jordan) said that migrant workers had the same rights, obligations and privileges as Jordanian workers, including the right to join trade unions. Labour inspectors systematically inspected homes and establishments employing domestic workers or migrant workers. Moreover, migrant workers had the right to file complaints to the appropriate directorate against any employers who violated their rights. A free hotline had also been set up to receive complaints and was accessible in six different languages.

29. **Ms. Majali** (Jordan) added that there were a number of bilateral associations in the country that helped foster friendly relations with other States and promote cooperation with organizations representing migrant workers.

30. **Mr. Al Quadi** (Jordan) said that a number of seats in the House of Representatives had been reserved for certain religious or ethnic groups. All Jordanian citizens were equal in the eyes of the law and were entitled to property, health and education, without discrimination. Ethnic and religious minorities had the right to stand in municipal and national elections, practise their cultural activities unhindered and compete for public sector posts. In fact, many ethnic minorities occupied high-ranking positions in government. The Chechen, Circassian and Armenian communities, which accounted for around 2 per cent of the population, had the right to establish their own schools to preserve their culture and language.

31. **Mr. Khalaf** said that he would welcome further clarification regarding the separation of powers in the State party. He wished to know what legal weight the Jordanian National Charter carried; whether there were standard contracts governing the employment of migrant workers and, if so, what measures of protection they contained and whether they had been drawn up on the basis of bilateral agreements with the countries of origin. He would like to know what measures were being taken to combat online hate speech. Information should also be provided with regard to the birth registration of refugee children.

32. **Ms. Attieh** (Jordan) said that the terms and conditions contained in standard contracts for domestic workers were aligned with the relevant bilateral agreements. Salary and leave entitlements, among other aspects, were stipulated in the contracts, which ensured that workers were fully aware of the conditions of employment in advance.

33. **Mr. Al Quadi** (Jordan) said that civil registry offices issued all refugee children born in Jordan with birth certificates, while those who had been born in their country of origin were registered by UNHCR. All refugee children had the same rights as Jordanian children, including access to education, health and other basic services.

34. **Mr. Al Tawalbeh** (Jordan) said that the Civil Status Directorate had opened offices in refugee camps to help with birth registration procedures and provide legal information and services. That was part of a new approach to services for refugees and was being conducted in coordination with the authorities responsible for the refugee camps.

35. The Jordanian political system was based on a flexible form of separation of powers. The relationship between the executive, legislative and judicial branches — and the role of the Crown — was set out in the Constitution, which was essentially a social contract between the people and the State. The Constitutional Court had been established to monitor the constitutionality of laws and regulations.

36. There were two opposing schools of thought on how best to regulate the social media. Some argued that the Internet and social media should be entirely free of regulation, while others advocated stricter controls, which could violate the right to freedom of expression. The Government was determined to stamp out hate speech and, thus, had sought to strike a balance between maintaining freedom of expression online and seeking to ensure that content did not incite hatred, racial discrimination or violence.

37. **Mr. Al Raqued** (Jordan) added that a law had been enacted five years previously to criminalize online hate speech and establish appropriate penalties. Regarding domestic workers, he said that it was prohibited for an individual's travel documents to be seized by his or her employer. Any violation of such laws was punishable by the courts. Similarly, domestic workers who had been victims of violence were able to seek redress.

38. **Mr. Al Quadi** (Jordan) said that citizenship was a sovereign matter governed by the Constitution and the Jordanian Nationality Act. Jordanian citizenship could be conferred on any citizen, irrespective of ethnicity. Under Council of Ministers Decree No. 6415 dated 9 November 2014, children of Jordanian women with foreign spouses enjoyed a series of benefits and privileges, including access to education, health care and the right to obtain a driving licence and identity card, which tens of thousands of children had received. The decree had been published in the Official Gazette and instructions for its implementation circulated to the relevant government departments. A committee headed by the Ministry of the Interior received and investigated complaints regarding children of Jordanian women and foreign nationals who had been unable to obtain identity cards. If a child was born in Jordan to a Jordanian women and a non-Jordanian father whose nationality was known, the child would acquire his father's nationality; if, on the other hand, the father was of unknown nationality or was stateless, the child would be granted Jordanian citizenship. Children of Jordanian women married to foreign nationals were entitled to invest in and own property in Jordan and were entitled to receive driving licences provided that they had a residence permit.

39. Decisions to withdraw nationality were not taken arbitrarily but in accordance with the 1988 decision on disengagement from the West Bank, which was aimed at preserving the Palestinian identity until a lasting solution was found to enable Palestinians to return to their homeland. In practice no such withdrawals had occurred since 2011, following a Council of Ministers decision on the issue. It should be pointed out, however, that, in accordance with the International Covenant on Economic, Social and Cultural Rights, the rights and obligations of a State lay with its own citizens and not with those of other States. Accordingly, every country had the right to regulate the presence of non-nationals on its territory. Palestinians had been granted Jordanian citizenship for a period of five years, but did not have Jordanian nationality. Special regulations governed their stay in the country.

40. **Mr. Murillo Martínez** said that he wished to know what measures had been taken by the State party to combat violence and racism in football, in particular between Palestinian and Jordanian supporters, and what proportion of the prison population was from an ethnic minority background.

41. **Ms. Dah** said that she had been struck by repeated references to the right to obtain a driving licence in the State party. She wondered whether a driving licence served purposes other than measuring a person's ability to drive a car, perhaps as a substitute for a national identity card.

42. **Ms. Attieh** (Jordan) said that a trade initiative had been agreed with the European Union to facilitate access by Syrian refugees to employment. As a result, more than 70,000 work permits had been issued, including some 30,000 for Syrian women refugees. Syrian workers were allowed to change employers, even in restricted sectors, and various offices had been established in refugee camps to issue work permits and raise awareness of labour laws and regulations. A work permit was necessary in order to be able to leave the camp.

43. **Mr. Al Raqued** (Jordan) said that children of Jordanian women and foreign fathers who did not have citizenship had the right to obtain a special driving licence, in accordance with certain conditions, which could double as an identity card.

44. Regarding sporting events, although teams were not formed along ethnic lines, incidents did occur from time to time at football matches. For that reason, consideration was being given to the establishment of a court to deal specifically with instances of vandalism or racism at sports venues. No data were collected regarding the proportion of persons of an ethnic minority background who were deprived of their liberty.

45. **Mr. Avtonomov** said that he was grateful to the delegation for the constructive dialogue. The Committee would now draft its concluding observations, taking into account the positive progress made by the State party. The rights enshrined in the Convention did not apply only to the citizens of a State party; the rights of non-citizens of other ethnicities should also be taken into account.

46. **Ms. Majali** (Jordan) said that she wished to thank the members of the Committee for recognizing the efforts her country had made in the field of human rights, with particular regard to the situation of refugees. Her country's periodic report had been guided by the Committee's previous concluding observations (CERD/C/JOR/CO/13-17) and reflected her Government's interpretation of the applicability of the Convention. Jordan had faced many regional and national challenges. The rights of non-citizens were respected and limitations were applied only insofar as they were allowed under international law and in accordance with articles 1 (2) and 1 (3) of the Convention. The country was undergoing reform and it was hoped that, in time, further progress would be made with respect to nationality issues. Diversity was her country's strength. Jordan had a history of humanitarianism and had long been a proponent of tolerance, moderation, human dignity and peace.

*The meeting rose at 1 p.m.*